Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 94-102

In the Matter of	)	
	)	CC Docket No. 92-115
Revision of Part 22 of the Commissions's	)	
Rules Governing the Public Mobile Services	)	

COMMENTS OF COMP COMM, INC.

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COMMENTS OF COMP COMM, INC.

Comp Comm, Inc. ("Comp Comm") hereby submits its Comments in the Revision of Part 22 of the Commission's rules governing the Public Mobile Services, CC Docket No. 92-115. Comments are made on proposed changes to cellular and 900 MHz paging matters.

Comp Comm, through its technical principal, Dr. George L. Schrenk, is qualified to discuss this Notice of Proposed Rule Making, being an engineering and information service company specializing in the Communications Common Carrier Industry. Comp Comm has developed and maintains a proprietary, up-to-date, computerized data base for all FCC Part 22 communications common carrier land mobile operations. Furthermore, Comp Comm is regularly engaged in providing engineering consultation and communication system design services covering all technical aspects of Part 22 Public Mobile Services.

George L. Schrenk, Ph.D. is the C.E.O. of Comp Comm. He holds B.S., M.S., and Ph.D. degrees in Physics from Indiana University and an Honorary M.A. degree from the University of Pennsylvania.

He is also an Adjunct Professor on the Engineering Faculty of the University of Pennsylvania. His qualifications are both a matter of public record and are also reported in American Men and Women of Science and other biographical publications. He has testified as an expert witness in engineering matters relating to the communications common carrier industry engaged in Commercial Mobile Services both before numerous state Public Utility Commissions and before the Federal Communications Commission ("FCC").

I. Proposals Affecting Cellular Service

A. Map Scale

Comp Comm supports the FCC's proposed use of 1:500,000 scale maps for the following reasons:

- Maps on this scale are readily available from the USGS.
- This map scale still affords sufficient detail for applicants and FCC staff to determine whether CGSA Service Area Boundary (SAB) contours extend beyond market boundaries, or into other CGSAs, and whether there are any unserved areas.
- The reduced map size will be more manageable by all concerned. While the resulting loss of detail will effect the practice of using system maps as design aids, applicants can continue to maintain and use 1:250,000 scale system maps for this purpose if they so desire.

B. Elimination of Licensing for Inner Cell Sites

Since the FCC's files already include external cell site data for all licensees (although unidentified at present), Comp Comm proposes that applicants be required to submit a **list** of their external cell sites so that FCC staff can delete all "internal" (non-external) cell sites from existing files - rather than undertaking a completely new data entry for all external cell site information.

Comp Comm essentially supports the FCC's proposal to eliminate the <u>listing</u> of internal cell sites on FCC authorizations for existing licensees. However, the objective of limiting the

processing effort and cost of issuing authorizations should not be allowed to completely de-regulate the treatment of internal cell sites. The following issues need to be addressed:

- How will the FCC and neighboring licensees know that a cell site is in reality "internal" unless there is engineering data available to be analyzed?
- FAA considerations. All licensees must continue to be required to demonstrate that they have complied with FAA notification requirements for every site.
- Internal cell sites can become "external" sites under various conditions e.g. when an authorized external site is either not constructed within one year of a granted C.P or is de-activated for any reason.

Comp Comm suggests that the FCC require an annual accounting of all cells differentiated as external and internal including a one page table of parameters for each transmitter site so that any system questions can be properly reviewed.

C. System Information Updates

Comp Comm seeks clarification of the example in footnote #13 - wherein the 5-yr period has expired in market "X" and market "Y" has a "contract" extension into market "X" and the proposed required label is:

"This is the SIU for market "X" filed by the market "Y" carrier".

- Does this map need to show the entire MSA or RSA for market "X"?

- Does this map need to show the entire MSA or RSA for market "Y"?
- Does this map need to show the entire composite SAB of market "Y", or only that portion which extends into market "X"?

If both markets are labelled clearly on the map, only those portions of each MSA/RSA which would be necessary to encompass the pertinent market "Y" SAB extension contour into market "X" should be required, thereby eliminating the possibility of applicants submitting over-sized double RSA/MSA maps.

II. Proposals Affecting 931 MHz Paging Service:

A. Filing for Specific Frequencies

Comp Comm supports the requirement that applicants file for specific 900 MHz frequencies. Service providers have particular system development plans in mind during the application process. Being able to file for a specific available frequency at application point enables expeditious and businesslike system development as well as protection from grant of disparate frequencies within a system or grant of the system frequency to another carrier within the proposed system boundaries. Clearly this requirement promotes carrier responsibility for system development and expansion rather than improperly placing this role on the FCC.

B. Definition of Initial Licensee

The FCC proposes to use a two kilometer (1.6 mile) separation

criterion to distinguish between initial applications and modifications of existing authorizations. The FCC proposes to use this criterion to determine whether competing filings will be subject to competitive bidding[1].

Comp Comm does not support the proposed two kilometer delineation finding it arbitrary and lacking technical merit. The current Part 22 definition of a 931 MHz paging service contour is a minimum 20 mile radius circle. Comp Comm responded extensively to the inequities of this definition and proposed technical resolutions in Reply Comments--CC Docket No. 92-115 dated November 5, 1992.

Currently, an application for a new transmitter site is considered a "fill-in" if the proposed service area is at least 50% encompassed by existing authorized service area[2]. This rule should be extended to define 931 MHz paging system expansion for the purposes of differentiating modification and initial applications. For 931 MHz paging, the separation of the centers of two twenty mile circles with 50% overlap is 26.0 km (16.2 miles). A separation of 26 kilometers rather than 2 kilometers[3] should be used to differentiate an initial and modification application.

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[1] The Budget Act states the Commission may use competitive bidding only to select initial licenses among mutually exclusive applicants. See Communications Act of 1934, § 309(j)(1).

[2] C.F.R. 47, § 22.16(e)

[3] The proposed 1.2 mile separation criterion limits modification service area to 5.1%.

III. CONCLUSION

Comp Comm believes the revised system map scale will benefit all parties, but reiterates the importance of an FCC maintained record of radio frequency system engineering to avoid any of the pitfalls inherent in a situation where documentation is not required and competitive encroachment is an issue.

Filing for specific 931 MHz paging frequencies is of benefit to all parties. Making the FCC definition of initial applications responsive to current practice and policy is an efficacious resolution for determining whether competitive bidding is required to resolve a 931 MHz paging co-channel dispute.